

**ORDER BELOW EXH. 34 IN R.C.S.NO. 24/2019**

**(Jagannath Bhila Vs. Machhindranath Onkar)**

**(MHDH06000599-2019)**

=====

The present application is filed by the plaintiffs for permission to carry out amendment as per order passed below Exh.27 to bring the legal heirs of deceased defendant No.1 on record.

2. It is contended that the plaintiff filed application at Exh.27 for taking legal heirs of deceased defendant No.1 on record. The said application is allowed on 24/03/2022. However, as the plaintiff died, the amendment could not be carried out. Hence, he prayed to allow the application.

3. The defendants have filed their say on the application and contended that as per order passed below Exh.27 on 24/03/2022, it was necessary for the plaintiff to carryout amendment within time. The present application is filed after two years. Hence, they prayed to reject the application.

4. Perused the record and heard learned Advocate for both parties.

5. It appears that the plaintiff filed application at Exh.27 on 11/06/2020 to take the legal heirs of deceased defendant No.1 on record. The said application was granted by my learned Predecessor on 24/03/2022. Thereafter, the legal heirs of the plaintiff filed the application at Exh.32 and 32/1 and submitted that the plaintiff died on 06/10/2021 and they being legal heirs of the deceased plaintiff be taken on record. The said application was allowed on 26/06/2023.

application was filed by the plaintiff at Exh.27. The plaintiff died on 06/10/2021 and the application at Exh.27 was allowed on 24/03/2022. It shows that when the application for taking the legal heirs of deceased defendant No.1 on record was allowed, at that time the plaintiff was died. The legal heirs of the plaintiff filed the applications at Exh.32 and 32/1 for taking them on record. The said application was allowed on 26/06/2023 and amendment to that effect was carried out on 06/07/2023. The legal heirs of the plaintiff filed the present application on 03/03/2024. It would show that there is delay of about 8 months in filing the present application.

6. As per Order VI Rule 18, if the amendment is not carried out within 14 days from the date of the order, the party shall not be permitted to amend after the expiration of such limited time, unless the time is extended by the Court. Considering the reason mentioned in the application and the fact that there is delay of 8 months in filing the application, the application deserves to be allowed by imposing cost on the plaintiffs. Hence, I pass following order:

**ORDER**

1. The application is allowed subject to cost of Rs. 500/- payable to the defendants.
2. After payment of the cost, the legal heirs of the plaintiff are directed to carryout the amendment as per order passed below Exh.27 within 14 days from today.

Sdxxx

Shindkheda.  
Date :- 09/09/2024.

(M. R. Kayastha)  
Civil Judge, J.D, Shindkheda.

**CERTIFICATE**

I certify that the contents of this PDF file are word to word as per Original Order.

Name of the Stenographer: Rajesh V. Sonawane

Name of the Court : Civil Court J. D., Shindkheda,

PDF Uploading date : 09/09/2024.

Sd/-xxx

Sr. Clerk

Civil Court J. D., Shindkheda,